

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE LITIGATION

)
) MDL No. 1456
)

) Civil Action No. 01-CV-12257 PBS
)

THIS DOCUMENT RELATES TO PROPOSED
NATIONWIDE CLASSES 2 & 3 AS TO BMS
AND ASTRAZENECA

) Hon. Patti B. Saris
)
)

**STIPULATION AND [PROPOSED] ORDER
CONCERNING CLASS CERTIFICATION BRIEFING**

Class 2 and 3 Plaintiffs and Defendants AstraZeneca Pharmaceuticals LP (“AZ”) and Bristol-Myers Squibb Company, Oncology Therapeutics Network Corporation and Apothecan, Inc. (collectively, “BMS”) respectfully submit this stipulation and proposed order establishing a briefing schedule for “Plaintiffs’ Motion to Certify Nationwide Classes 2 and 3 Against Defendants AstraZeneca and BMS” filed November 21, 2007 (the “AZ/BMS Nationwide Class 2/3 Motion”).

1. Defendants’ Opposition to the AZ/BMS Nationwide Class 2/3 Motion shall be filed and served on or before January 4, 2008;

2. Plaintiffs’ Reply in Support of the AZ/BMS Nationwide Class 2/3 Motion shall be filed and served on or before February 1, 2008.

Dated: Boston, Massachusetts
December 4, 2007

Respectfully submitted,

HAGENS BERMAN SOBOL SHAPIRO LLP

By: /s/ Steve W. Berman
Thomas M. Sobol (BBO#471770)
Edward Notargiacomo (BBO#567636)
One Main Street, 4th Floor
Cambridge, MA 02142
Tel: (617) 482-3700
Fax: (617) 482-3003

LIAISON COUNSEL

Steve W. Berman
Sean R. Matt
Hagens Berman Sobol Shapiro LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
Tel: (206) 623-7292
Fax: (206) 623-0594

Elizabeth Fegan
Hagens Berman Sobol Shapiro LLP
820 North Boulevard, Suite B
Oak Park, IL 60302
Telephone: (708) 776-5600
Facsimile: (708) 776-5601

Jeffrey Kodroff
Spector, Roseman & Kodroff, P.C.
1818 Market Street, Suite 2500
Philadelphia, PA 19103
Tel: (215) 496-0300
Fax: (215) 496-6611

Kenneth A. Wexler
Jennifer Fountain Connolly
The Wexler Firm LLP
55 West Monroe Street, Suite 3300
Chicago, IL 60602
Tel: (312) 346-2222
Fax: (312) 346-0022

DWYER & COLLORA, LLP

By: /s/ Thomas E. Dwyer (BBO#139660)
Thomas E. Dwyer (BBO# 139660)
Jennifer M. Ryan (BBO#661498)
600 Atlantic Avenue
tdwyer@dwyercollora.com
jryan@dwyercollora.com
Boston, MA 02210
Tel: (617) 371-1000
Fax: (617) 371-1037

HOGAN & HARTSON LLP

Steven M. Edwards, Esq. (SE 2773)
Lyndon M. Tretter (LT 4031)
Thomas J. Sweeney (TS 6557)
Admitted *pro hac vice*
875 Third Avenue
New York, NY 10022
Tel: (212) 918-3640
Fax: (212) 918-3100

*Attorneys for Defendants Bristol-Myers Squibb
Company, Oncology Therapeutics Network
Corporation and Apothecon, Inc.*

FOLEY HOAG LLP

Nicholas C. Theodorou (BBO # 496730)
Katherine B. Schmeckpeper (BBO #663200)
155 Seaport Boulevard
Boston, MA 02110
Tel: (617) 832-1000
Fax: (617) 832-7000
ntheodorou@foleyhoag.com
kschmeckpeper@foleyhoag.com

DAVIS POLK & WARDWELL

D. Scott Wise
Michael S. Flynn
Kimberley D. Harris
450 Lexington Avenue
New York, NY 10017
Tel: (212) 450-4000
Fax: (212) 450-4188

Attorneys for AstraZeneca Pharmaceuticals LP

Marc H. Edelson
Hoffman & Edelson LLC
45 West Court Street
Doylestown, PA 18901
Tel: (215) 230-8043
Fax: (215) 230-8735

CO-LEAD COUNSEL FOR PLAINTIFFS

SO ORDERED

Honorable Patti B. Saris
U.S. District Court Judge